

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/989,507	12/12/97	BRIES	J 53691USA8A

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EXAMINER

AHMAD, N

ART UNIT

PAPER NUMBER

1772

11

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>08/989,507</b>	Applicant(s) <b>Bries et al.</b>
	Examiner <b>Nasser Ahmad</b>	Group Art Unit <b>1772</b>

Responsive to communication(s) filed on Apr 26, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-45 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1, 2, 4, 6-10, 12, 15-22, 24, 26-30, 32, and 35-45 is/are rejected.

Claim(s) 3, 5, 11, 13, 14, 23, 25, 31, 33, and 34 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Applicant's arguments with respect to claims 1-45 are have been considered but are moot in view of the new ground(s) of rejection.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6-8, 21, 22, 24, 26-28 and 41-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Luhmann (5,409,189).

Luhmann relates to an adhesive tape comprising a stretchable first backing layers having a non-adhesive manually engageable tab portion at one end of the backing layer. An adhesive surface is provided over at least a portion of a first major surface of the backing layer. A separable connection is provided over at least a portion of its second major surface. The first backing layer and the adhesive surface are stretchable together to effect progressive debonding. The backing also comprises a second adhesive surface over at least a portion of the second major surface and may be bonded to a separable connector. As shown in

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the drawing, the connector may be an interlocking or intermeshing material. The backing can be polymeric material. The intended use language phrases have not been given patentable weight as said phrases are not considered to be positive limitation.

Further, the elongation at break of the backing layer is about 1110 percent (see Example 1 in col. 3-4).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6-10, 12, 15, 16-22, 24, 26-30, 32 and 35-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luhmann.

Luhmann, as discussed above, fails to teach the presence of a second stretchable backing containing adhesive tape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second adhesive tape adhered to one first tape to form a stack, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

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Claims 3, 5, 11, 13, 14, 23, 25, 31, 33 and 34 are free of the prior art uncovered so far.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can normally be reached on Monday-Thursday from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ellis Robinson, can be reached on (703) 308-2364. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Ahmad/JW  
7/21/99

*Nasser Ahmad*  
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